Military Secret Order No. 2190

28 July 1942

From: Vice-Minister of Var Heitars KIMURA

This is to communicate to you that the crews of the enemy aircraft which are captured in air raiding the Imperial territory. Manchukuo, or our operational areas, shall be treated as follows:

- An enemy warplane crew who did not violate war-time international law, shall be treated as prisoners of war, and one who acted against the said law shall be punished as a wartime capital criminal.
- 2. National Defense Commanding Generals and Commanders of Army (in Japan Proper, Japanese-occupied territories and Fong Kong) shall transfer those enemy warplane crews who flew over the territories under their control and who are suspected of being wartime capital criminals, to the Military Discipline Council.

The above mentioned Military Discipline Council shall apply the regulations concerning a special court martial of the military court martial law.



CERTIFICATE

W.D.C. No. I.P.S. No. 1793-A

Statement of Source and Authenticity

I, Ayao A. , hereby certify that I am officially connected with the Japanese Coverment in the following capacity: Chief of Legal Research Livision of the lst Demobilization Eureau and that as such official I have custody of a copy of the document hereto attached consisting of 2 pages, dated 28 July, 1942, and described as follows: Concerning the crews of enemy aircraft at the time of air raids

I further certify that the attached record and document is a copy of an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files: Nar ministry (lst emobilization Bureau)

Signed at Tokyo on this

6th day of Nov. 1946.

/s/ Ayao OYAMA
Signature of Official
SEAL

Witness: /s/ Torakichi Makamura

Chief of Legal Research Division of the 1st Demobilization Bureau

tement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, 0-935000, hereby certify that I am associated with the Jeneral Headquarters of the Surreme Commander for the Allied Powers, and that the above rescribed document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this

/s/ Eric W. Fleisher, 2nd Lt. AUSMI

6th day of lovember, 1946.

Investigator IPS
Official Capacity

Witness: /s/ Fenry Shimejima

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Document No. 1793-B

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Imperial Headquerters, Army Section Staff, Secret, No. 1 of No. 383

Cotification of hatters Pertaining to the Treatment of Crew Members of Raiding Enemy Planes

July 28, 1943

Seimu TANABE

To: Mr. Jun ATOMIYA Chief of Staff, China Expeditionary Force

Directions in regard to the treatment of crew members of raiding enemy planes have already been given by Army Secret No. 2190 of July, 1942, but in regard to the proclamation and publication of the articles of war and the date of execution of punishment against the crew members of the recent raiding American planes, it is desired that they be deferred until a date to be specified later. (Executed to be during the middle of August.)

Du thermore, since the announcement pertaining to the execution of the offense of the crew members of the recent raiding American planes will be made by the Imperial Headquarters, I have been ordered to notify you that the decision for the aforementioned be reported to the Chief of General Staff as soon as possible.

In closing, please refer to the annexed draft in regard to the Articles of 'ar and the text of the proclamation of the Articles of 'ar.

Annexed Reference Short

rticles of Wer of 00 Army (Dreft)

- Article 1. These erticles of wer shall be applicable to the crow members of enemy planes raiding our Imperial Demain, Manchoukus, or our zone of operations and falling into the powers of OC Army.
- <u>article 2.</u> Prose having committed the acts listed below shall be subjected to military punishment:
 - 1. In bomb, strefe and conduct other types of attacks for the purpose of threatening and wounding or killing the ordinary populance.
 - 2. To bomb, strefe and conduct other types of attacks for the purpose of destroying or ruining private properties possessing no military characteristics.
 - 3. In bomb, streft and conduct other types of attacks against targets other than military targets unless inevitable.
 - To conduct outrageous and inhumen acts ignoring humanity, basides the aforementioned three paragraphs.

This is also applicable to those coming to attack our Imperial Domain, Manchoukuo, or our zone of operations with the purpose of committing the acts mentioned in the above paragraphs, but having fallon into the powers of OO Army prior to having accomplished them.

- Article 3. The military punishment shell be death. However, depending on the situation, it may be changed to life or imprisonment of over ten years.
- Article 4. Do: the shall be by a firing squad. Imprisonment shall be at a place to be designated later, and they shall be subjected to prescribed labor.
- Article 5. When specific reasons exist, the execution of military numishment shall be suspended.
- Article 6. In regard to imprisonment, regulations pertaining to penal servitude of the criminal law shall be applicable, besides those stipulated in these articles of war.

Supplementary Provisions

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These articles of war shall be applicable against de post facto acts.

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	W.D.C. No							
	I.P.S. No. 1793-3							
	Statement of Source	and inthantiaity						
	Described of Starte	ALL AUGIEROIGINA						
	I, Ayao CYAMA , hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of Legal lesearch Division of the 1st Demobilization Bureau and that as such official I have custody of a copy of the document hereto attached consisting of 4 pages, dated 28 July, 1942, and described as follows: Concerning the treatment of the crews of enemy aircraft that participated in air raid							
	I further certify that the attached re official document of the Japanese Gove official archives and files of the fol (specifying also the file number or ci designation of the regular location of files:) War Ministry (1st Demobiliza	r ment, and that it is part of the lowing named ministry or department tation, if any, or any other official the document in the archives or						
	Signed at Tokyo on this	/s/ Ayao CYAMA						
	6th day of Nov., 1946.	Signature of Official SEAL Chief of Legal Research Division						
	itness: /s/ Torakichi Nakamura	of the 1st Demobilization Bureau						
	Statement of Of	ficial Procurement						
	I, and Lt. Eric W. Fleisher, O am associated with the General Headqua the Allied Powers, and that the above me from the above signed official of t duct of my official business.	rters of the Supreme Commander for described document was obtained by						
	Signed at Tokyo on this	/s/ ric W. Fleisher, 2nd Lt.AUSM						
	6th day of Pov., 1946.	Investigator IPS						
	6th day of Nov., 1946. Witness: /s/ Henry Shimajima							

A REPORT ON THE COURT MARTIAL FOR ALLIED AIRCRAFT CREWS CAFTURED IN THE CENTRAL JAPAN DISTRICT AREA

I. This report is based on reports from the Central Japan Demobilization Eureau.

II. Substance:

The men who were executed after trial by court mertial were Nelson and Augnus, who were both captured after incendiary raids on Tokyo on the night of March 9th, 1945, Osake on the night of March 14th, 1945, and Mobe on the night of March 19th, 1945, respectively.

III. Facts of the Court Hartial:

1. The Accused:

Second Lieutenant Robert Warson Melson, U.S.A. Sergeant Algy Stanley Augnus, U.S.A.

2. Date of taking in charge:

Taken in charge from the Central Japan Rempei Tai HQ the first part of May, 1945, and imprisoned on the same day.

3. Hace of imprisonment:

Detention ward of the Cusunoki 12490 Butai (inside Csaka Hilitary Prison).

4. Investigation

The investigation ended hay 31st, after detailed investigation by the prosecutor for two days on the basis of the reports from the Mempei 1at He. Under investigation, the accused frankly stated the facts.

5. Flace and Date of Judgmen's

Court of the Central Japan District Army Headquarters. Sentenced to death on July 18th 1810.

6. Date of Execusion:

4: 0 p.m., July (8th, 1945.

7. Place of Execution:

At the Army Menoeuver Grounds in Yokoyama-Mura, Senhoku-Gun, Osaka Prefecture.

8. Disposal of Corpses.

Buried on the same day (temporary burial). Cremated at the same place on August 24th. The formal funeral took place at the Sanadayama Army Cemetary on the 25th of the same month.

CERTIFICATE

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with the Jepanese Government in the <u>Legel Research Division of the 1st I</u> and that as such official I have ous consisting of <u>2</u> pages, and describ	Demobilization Bureau stody of the document hereto attached ord as follows: Record of the bilitary crews of the captured Allied aircraft
	end that it is part of the official named ministry or department (speci- ion, if any, or any other official of the document in the archives or
Signed at Tokyo on this	/ / A A A A A A A A A A A A A A A A A A
1.th day of Nov., 1946.	_/s/ Ayao OYAMA Signature of Official SEAI
itness: /s/ Keishi Hashimoto	Chief, Legel Research Division 1st Demobilization Bureau Official Canacity
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that the above down the the torusers we	cti?v the: I am associated with the Command a for the Allied Powers, and as observed by me from the above signed to the conduct of my official business
Signed at Tokyo on thes	In I to Counting and the
14th day of Nov., 1946.	/s/ J. A. Curtis, 2nd Lt.
itness: /s/ R. H. Larsh	Investigator IPS Official Capacity